

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

CECIL JOHNSON

Plaintiff,

v.

No.

DR. BRUCE LEVY, in his official capacities  
as the Chief Medical Examiner for the  
State of Tennessee and Medical  
Examiner for the Metropolitan  
Government of Nashville and  
Davidson County, Tennessee; and

**DEATH PENALTY CASE**

**EXECUTION DATE 12/2/09 at 1:00 a.m.**

RICKY BELL, in his official capacity as  
Warden, Reverend Maximum  
Security Institution.

MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

Pursuant to 42 U.S.C. § 1983 and the First Amendment to the United States Constitution, Plaintiff Cecil Johnson respectfully requests that this Court enjoin Defendant Dr. Bruce Levy from performing an autopsy on his body. In support thereof, Mr. Johnson shows:

1. The State of Tennessee intends to kill Mr. Johnson on December 2, 2009, at 1:00 a.m., by injecting lethal chemicals into his body.
2. After any execution of Mr. Johnson, Dr. Levy intends to perform an autopsy on his body.
3. Mr. Johnson has a sincerely held religious belief that performing an autopsy on his body would amount to desecration in violation of his religious beliefs. See Declaration of Cecil Johnson, attached as Exhibit 1 to Mr. Johnson's Complaint.

4. As demonstrated by the accompanying memorandum of law, each of the four factors this Court considers in determining whether to grant an injunction counsels in favor of enjoining Dr. Levy from performing an autopsy on Mr. Johnson's body.

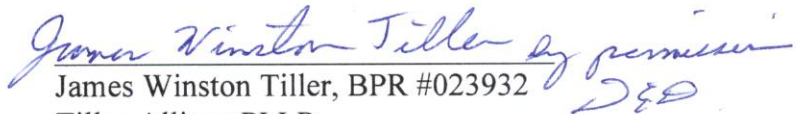
WHEREFORE, Mr. Johnson respectfully requests that this Court:

1. Enter a temporary restraining order and preliminary injunction enjoining Dr. Levy from performing an autopsy on his body; and
2. Order such other relief as this Court deems just.

Respectfully submitted,



Donald E. Dawson, BPR #010723  
POST-CONVICTION DEFENDER  
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(615) 741-9385



James Winston Tiller, BPR #023932  
Tiller-Allison PLLP  
501 Union St, Ste. 502  
Nashville, TN 37219

CERTIFICATE OF SERVICE

I certify that on December 1, 2009, I sent a copy by email of the foregoing to:

Bob Cooper  
ATTORNEY GENERAL AND REPORTER  
500 Charlotte Avenue  
Nashville, Tennessee 37243; and

Sue B. Cain  
Director of Law  
Law Department for the Metropolitan Government of  
Nashville and Davidson County, Tennessee  
225 Polk Avenue - Suite 210  
Nashville, Tennessee 37203

